



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

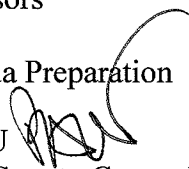
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Interim County Counsel

September 2, 2015

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TO: PATRICK OGAWA  
Acting Executive Officer  
Board of Supervisors  
  
Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Cecilia Garcia v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 488 439**  
**(Consolidated with**  
**Pauline Garcia v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 488 440)**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Cecilia Garcia v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 488 439 (Consolidated with Pauline Garcia v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 488 440) in the amount of \$375,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit concerns allegations of excessive force arising from a shooting by Sheriff's Deputies.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cecilia Garcia v. County of Los Angeles, et al. (Consolidated with Pauline Garcia v. County of Los Angeles, et al)
CASE NUMBER	BC 488439/BC 488440
COURT	Los Angeles County Superior Court
DATE FILED	July 16, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 375,000
ATTORNEY FOR PLAINTIFF	Gregory A. Yates
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>This case is based upon claims against the County and two of its Deputies under State and federal law resulting from the shooting death of Pablo Garcia. The Plaintiffs are decedent Garcia's mother, step-father and two minor children.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Thereofre, a full and final settlement of the case in the amount of \$375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 168,139
PAID COSTS, TO DATE	\$ 51,028

Case Name: Cecilia Garcia, et., al. v. County of Los Angeles



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday, August 20, 2011; approximately 8:30 p.m.
Briefly provide a description of the incident/event:	<u>Cecilia Garcia, et., al. v. County of Los Angeles</u> Summary Corrective Action Plan No. 2015-012
	<p>On Saturday, August 20, 2011, at approximately 8:30 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's East Los Angeles Station, were driving south on Downey Road in their standard black and white, County of Los Angeles-owned patrol vehicle, when they saw two men immediately crouch down behind a parked car. They stopped their patrol car in order to investigate a possible crime that had occurred or was occurring.</p> <p>As the deputy sheriffs exited their vehicle, both ordered the men to show their hands. One man complied, however, the decedent ignored the deputy sheriffs' orders and began to walk to a nearby driveway with his back towards the deputy sheriffs. As both deputy sheriffs continued to give commands to the decedent to show his hands, one deputy sheriff observed the decedent carrying a gun. He yelled out to the other deputy sheriff that the decedent had a weapon. Immediately, the decedent turned around and pointed the gun towards the direction of both deputy sheriffs. Fearing for their lives, both deputy sheriffs fired one round at the decedent who fell to the ground.</p> <p>As one of the deputy sheriffs focused his attention to the man behind the car, the other deputy sheriff observed the decedent on the ground was still holding the gun. Further orders were given to the decedent to discard the gun and place his hands to the side; however, the decedent failed to comply. The decedent then looked toward the deputy sheriff and attempted to move his legs as though he was going stand up. Fearing the decedent would shoot him, the deputy sheriff fired another round at the decedent.</p> <p>The decedent was transported to a local hospital where he succumbed to his injuries.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause is the decedent failed to show his hands and drop his weapon after several verbal commands to do so. As the deputies feared for their lives, they shot the decedent.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. The Los Angeles County District Attorney's Office concluded on July 5, 2012, the deputy sheriffs acted in lawful self-defense.

It was then investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On November 29, 2012, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The Committee concluded the deadly force used to defend against the armed suspect was reasonable, necessary, and justified. The Committee also determined the tactics used by the deputy sheriffs were within Department's training standards.


No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated


3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties.

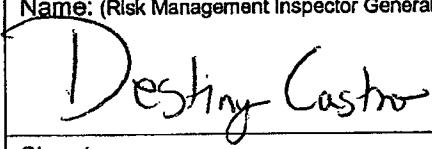
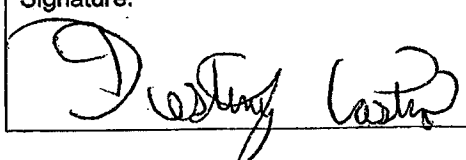
County of Los Angeles  
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)  Scott E. Johnson, Captain Risk Management Bureau	
Signature:  155628	Date:  7/9/15

Name: (Department Head)  Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date:  7/10/15

CONTENTS  
K. MANNIS  
07-14-15  
NOTED

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)  	
Signature: 	Date:  7/15/2015